

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1, 2, 8, and 10.

Claims 2, 4, 7-9, 23, and 24 have been canceled.

New claims 25, 26 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 5, 6, 10-22, 25, and 26 are now pending in this application.

### **Specification**

The specification has been amended to include section headings, where appropriate.

### **Rejections under 35 U.S.C. § 112**

Claims 14, and 21-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that amendments to the claims render these rejections moot. Reconsideration and withdrawal of these rejections is respectfully requested.

### **Rejection under 35 U.S.C. § 101**

Claims 21-24 are rejected under 35 U.S.C. § 101. Applicant respectfully submits that amendments to the claims render these rejections moot. Reconsideration and withdrawal of these rejections is respectfully requested.

### **Rejection under 35 U.S.C. § 102**

Claims 1-3 and 21-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,968,214 to Nagata *et al.* (hereafter "Nagata"). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v.*

*Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Nagata discloses an air cleaning apparatus 1 that includes an air conditioning duct 3, an evaporator 25 and a heater 27, a blower 29, a door 33 for restricting air flow, and an ozone generator 7. See col. 3, lines 19-47, and Figure 1 of Nagata. However, as noted on page 6 of the Office Action, Nagata does not disclose a catalyzer, as recited in claim 1. Nor does Nagata disclose a second ozone generator, as noted on page 7 of the Office Action, or the arrangement between a first ozone generator, a catalyzer, and a second ozone generator, as recited in claim 1. Therefore, Nagata does not anticipate claims 1, 3, 21, and 22 because Nagata fails to disclose all of the features of these claims.

Reconsideration and withdrawal of this rejection is respectfully requested for at least the reasons discussed above.

### **Rejections under 35 U.S.C. § 103**

Claims 4-14 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagata in view of U.S. Patent No. 5,221,520 to Cornwell (hereafter “Cornwell”). This rejection is respectfully traversed.

Claims 5, 6, 12-14 and 20 depend from claim 1. As discussed above in regard to claim 1, Nagata fails to disclose or suggest all of the features of claim 1.

Cornwell discloses the use of oxidation catalysts with filters. See col. 5, line 33, to col. 7, line 52, of Cornwell. Cornwell further discloses that an ozone generator 20 can be arranged upstream of such filter elements. See col. 8, lines 25-27, of Cornwell. However, as noted on page 7 of the Office Action, Cornwell does not disclose a second ozone generator or that such a second ozone generator is arranged downstream of a catalyzer.

The Office argues on page 7 of the Office Action that it would have been obvious to provide a second ozone generator downstream of a catalyzer because this would involve a mere duplication of parts unless a new and unexpected result is produced. Applicant respectfully disagrees. The provision of a second ozone generator, as recited in claim 1, does not involve a mere duplication of parts because the second ozone generator is located in a different position than the first ozone generator since the first ozone generator is arranged upstream of a catalyzer and the second ozone generator is arranged downstream of the

catalyzer. In addition, the second ozone generator differs from the first ozone generator because the first ozone generator is configured to be active in a purification mode, while the second ozone generator is configured to be active in a sterilization mode, as recited in claim 1. Therefore, the second ozone generator of claim 1 is not a mere duplication of the first ozone generator of claim 1 because these ozone generators are located in different locations and are configured to function differently.

Furthermore, Applicant respectfully submits the air treatment system of claim 1 provides a new and unexpected result because such an air treatment system can ensure that air downstream of a catalyzer does not contain any ozone when in purification mode and can ensure that air downstream of the catalyzer does contain ozone so that downstream portions of the air treatment system can be sterilized when in sterilization mode. See Applicant's specification at page 5, lines 16-30. Therefore, it would not have been obvious to modify the combination of Nagata and Cornwell to provide the air treatment system of claim 1.

Claim 11 recites an air treatment system comprising, among other things, a catalyzer, wherein the catalyzer is configured to be displaced between an active position assigned to a purification mode in which the catalyzer projects into a flow path of ozone-enriched current of air and through which the ozone-enriched current of air flows, and a passive position assigned to a sterilization mode in which the catalyzer is completely or substantially removed from the flow path and is entirely or substantially bypassed by the ozone-enriched current of air, as recited in claim 11. Claim 10 depends from claim 11.

The Office argues on page 8 of the Office Action that the combination of Nagata and Cornwell would be capable of performing the function of claim 11. However, the combination of Nagata and Cornwell fails to disclose or suggest a catalyzer that is configured to be displaced between an active position and a passive position, as recited in claim 11, because Nagata and Cornwell do not disclose or suggest a catalyzer that can be displaced between two positions. Therefore, it would not have been obvious to combine the teachings of Nagata and Cornwell to provide the air treatment system of claim 11.

Reconsideration and withdrawal of this rejection is respectfully requested for at least the reasons discussed above.

Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagata in view of Cornwell and U.S. Patent No. 6,214,303 to Hoke *et al.* (hereafter “Hoke”). This rejection is respectfully traversed. Hoke fails to remedy the deficiencies of Nagata and Cornwell discussed above in regard to independent claim 1, from which claims 17-19 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 15, 16, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagata in view of U.S. Pub. No. 2003/0095902 to Lee *et al.* (hereafter “Lee”). This rejection is respectfully traversed. Lee fails to remedy the deficiencies of Nagata discussed above in regard to independent claim 1, from which claims 15 and 16 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

#### **New Claims**

New claims 25 and 26 have been added. Claim 25 depends from claim 1 and claim 26 depends from claim 11. Claims 25 and 26 are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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